THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26854 of 2005

20.12.2005

Between:

Mytri Welfare Association, rep. By its Joint Secretary V.Kotaiah

Sriram Nagar Colony, Mnsurabad, Cyberabad

… Petitioner

AND

The Government of A.P. rep by its Principal Secretary,

Municipal Administration Department, Secretariat, Hyderabad

And others

… Respondents

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WRIT PETITION No.26854 of 2005

ORDER:

Mythri Welfare Association seeks a writ of Mandamus declaring that the inaction of the respondents on the representation made against the third respondent, who allegedly encroached upon 30 feet wide road to an extent of 15 feet situated at Sriram Nagar Colony, Mansurabad village, Saroor Nagar Mandal, Ranga Reddy District as illegal and arbitrary.

It is the case of the petitioner Association that it is espousing the cause of the residents of eight colonies. The Association alleges that the third respondent developed Acs.2.00 of land for construction of a hostel and tried to construct on 30 feet wide main road occupying 15 feet. It is also alleged that the third respondent raised wall with stones upto 10 feet height on all sides and also made attempts to dig trenches to make construction on the road. Aggrieved by the same, the petitioner Association submitted a representation on 26.11.2005 to the second respondent, in vain.

Heard the learned Counsel for the petitioner and learned Standing Counsel for the Municipality. Admittedly four residents of Sriram Nagar Colony and Srinivasa Nagar Colony filed a suit against the Secretary of the third respondent Trust and two others (third defendant is the Commissioner of L.B.Nagar Municipality) for permanent injunction restraining the defendants 1 and 2 from disturbing 30 feet wide road by altering its nature by raising structures or by digging trenches and causing obstruction to the public in using the road. An interlocutory application being I.A.No.2550 of 2005 was also filed for *Ad* interim injunction and the Court of the Additional Junior Civil Judge, Ranga Reddy District by order dated 25.7.2005 passed an order of *Ad* interim injunction restraining the third defendant Municipality from raising any construction on the road. In view of the injunction order, even if the allegation made by the petitioners that the third respondent is proceeding with the construction is correct, no interference is called for in the matter. The subject matter of the writ petition is already before the civil court in O.S.No.1924 of 2005 and if the petitioner has any further grievance can as well seek impleadment in the said suit. Further, the learned Standing Counsel submits that the L.B. Nagar Municipality is

taking necessary steps for filing written statement in the suit. In view of the above, subject to above observations, the writ petition is dismissed. No costs.

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(**V.V.S.RAO, J**)

December 20, 2005.

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